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HOUSE BILL 139

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

RICK MIERA

FOR THE DWI OVERSIGHT TASK FORCE

AN ACT

**RELATING TO FEES; INCREASING THE AMOUNT OF THE TRAFFIC SAFETY
FEE; AMENDING SECTIONS OF THE NMSA 1978; MAKING AN
APPROPRIATION.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 35-6-1 NMSA 1978 (being Laws 1968,
Chapter 62, Section 92, as amended by Laws 1997, Chapter 242,
Section 3 and also by Laws 1997, Chapter 247, Section 1) is
amended to read:

"35-6-1. **MAGISTRATE COSTS--SCHEDULE--DEFINITION OF
"CONVICTED".** --

A. Magistrate judges, including metropolitan court
judges, shall collect the following costs:

Docket fee, criminal actions under Section 29-5-1 NMSA
1978 \$ 1.00

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[bracketed material] = delete

Underscored material = new
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1 Docket fee, to be collected prior to docketing any other
2 criminal action, except as provided in Subsection B
3 of Section 35-6-3 NMSA 1978 20.00

4 Docket fee, ten dollars (\$10.00) of which shall be
5 deposited in the court automation fund, to be
6 collected prior to docketing any civil action, except
7 as provided in Subsection A of Section 35-6-3 NMSA
8 1978 47.00

9 Jury fee, to be collected from the party demanding trial
10 by jury in any civil action at the time the demand is
11 filed or made 25.00

12 Copying fee, for making and certifying copies of any
13 records in the court, for each page copied by
14 photographic process50

15 Copying fee, for computer-generated or electronically
16 transferred copies, per page 1.00.

17 Proceeds from this copying fee shall be transferred
18 to the administrative office of the courts for
19 deposit in the court automation fund. Except as
20 otherwise specifically provided by law, docket fees
21 shall be paid into the general fund.

22 B. Except as otherwise provided by law, no other
23 costs or fees shall be charged or collected in the magistrate
24 or metropolitan court.

25 C. The magistrate or metropolitan court may grant

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1 free process to any party in any civil proceeding or special
2 statutory proceeding upon a proper showing of indigency. The
3 magistrate or metropolitan court may deny free process if it
4 finds that the complaint on its face does not state a cause of
5 action.

6 D. As used in this subsection, "convicted" means
7 the defendant has been found guilty of a criminal charge by
8 the magistrate or metropolitan judge, either after trial, a
9 plea of guilty or a plea of nolo contendere. Magistrate
10 judges, including metropolitan court judges, shall collect the
11 following costs:

12 (1) corrections fee, to be collected upon
13 conviction from persons convicted of violating any provision
14 of the Motor Vehicle Code involving the operation of a motor
15 vehicle, convicted of a crime constituting a misdemeanor or a
16 petty misdemeanor or convicted of violating any ordinance that
17 may be enforced by the imposition of a term of imprisonment
18 \$10.00;

19 (2) court automation fee, to be collected
20 upon conviction from persons convicted of violating any
21 provision of the Motor Vehicle Code involving the operation of
22 a motor vehicle, convicted of a crime constituting a
23 misdemeanor or a petty misdemeanor or convicted of violating
24 any ordinance that may be enforced by the imposition of a term
25 of imprisonment 10.00;

. 119935. 2

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1 (3) traffic safety fee, to be collected upon
2 conviction from persons convicted of violating any provision
3 of the Motor Vehicle Code involving the operation of a motor
4 vehicle [3-00] 5.00;

5 (4) judicial education fee, to be collected
6 upon conviction from persons convicted of operating a motor
7 vehicle in violation of the Motor Vehicle Code, convicted of a
8 crime constituting a misdemeanor or a petty misdemeanor or
9 convicted of violating any ordinance punishable by a term of
10 imprisonment 1.00;

11 and

12 (5) brain injury services fee, to be
13 collected upon conviction from persons convicted of violating
14 any provision of the Motor Vehicle Code involving the
15 operation of a motor vehicle 5.00.

16 E. Metropolitan court judges shall collect as
17 costs a mediation fee not to exceed five dollars (\$5.00) for
18 the docketing of small claims and criminal actions specified
19 by metropolitan court rule. Proceeds of the mediation fee
20 shall be deposited into the metropolitan court mediation
21 fund. "

22 Section 2. Section 66-8-116.3 NMSA 1978 (being Laws
23 1989, Chapter 320, Section 5, as amended by Laws 1997, Chapter
24 242, Section 5 and also by Laws 1997, Chapter 247, Section 2)
25 is amended to read:

. 119935. 2

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1 "66-8-116.3. PENALTY ASSESSMENT MISDEMEANORS-- ADDITIONAL
2 FEES.--In addition to the penalty assessment established for
3 each penalty assessment misdemeanor, there shall be assessed:

4 A. ten dollars (\$10.00) to help defray the costs
5 of local government corrections;

6 B. a court automation fee of ten dollars (\$10.00);

7 C. a traffic safety fee of [~~three dollars (\$3.00)~~]
8 five dollars (\$5.00), which shall be credited to the traffic
9 safety education and enforcement fund;

10 D. a judicial education fee of one dollar (\$1.00),
11 which shall be credited to the judicial education fund; and

12 E. a brain injury services fee of five dollars
13 (\$5.00), which shall be credited to the brain injury services
14 fund. "

15 Section 3. EFFECTIVE DATE.--The effective date of the
16 provisions of this act is July 1, 1998.

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
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6 January 30, 1998
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8 Mr. Speaker:
9

10 Your JUDICIARY COMMITTEE, to whom has been referred
11

12 HOUSE BILL 139
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14 has had it under consideration and reports same with
15 recommendation that it DO PASS, and thence referred to the
16 APPROPRIATIONS AND FINANCE COMMITTEE.

17 Respectfully submitted,
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21 _____
22 Thomas P. Foy, Chairman
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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 Page 7

4 Adopted _____ Not Adopted _____

5
6 (Chief Clerk)

(Chief Clerk)

7
8 Date _____

9
10 The roll call vote was 8 For 0 Against

11 Yes: 8

12 Excused: Alwin, Luna, Pederson, Rios, Sanchez

13 Absent: None

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